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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,791

07/06/2004

Jose Sevilleja-Perez

OT-4922

8285

26584

7590

05/14/2008

OTIS ELEVATOR COMPANY  
INTELLECTUAL PROPERTY DEPARTMENT  
10 FARM SPRINGS  
FARMINGTON, CT 06032

EXAMINER

NGUYEN, VU Q

ART UNIT

PAPER NUMBER

3683

MAIL DATE

DELIVERY MODE

05/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/500,791	<b>Applicant(s)</b> SEVILLEJA-PEREZ ET AL.	
	<b>Examiner</b> VU Q. NGUYEN	<b>Art Unit</b> 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/14/2008 has been entered.

### ***Claim Objections***

Claims 1-5, 7, and 9 are objected to because of the following informalities:

In claim 1, "respective ones of two zones" is generally awkward. The Examiner recommends --a respective one of two zones--.

In claim 9, "respective ones of the annular zones" is generally awkward. The Examiner recommends --a respective one of the annular zones--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the concentric annular zones". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

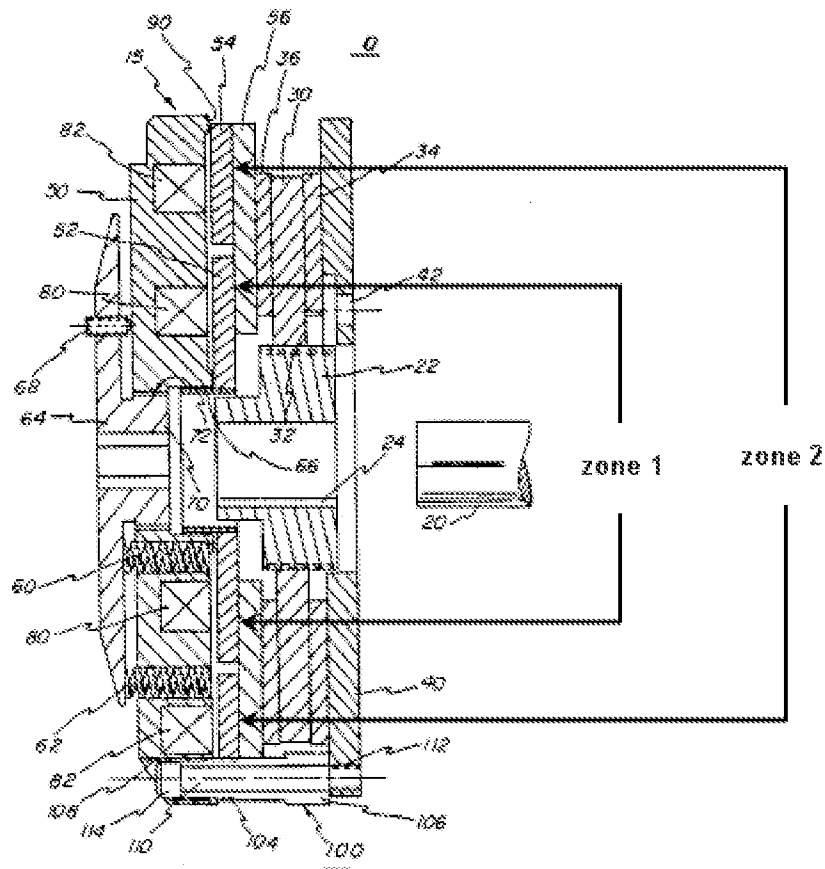
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5057728 (Dammeyer et al.).

Regarding claim 1, Dammeyer et al. disclose a brake (capable of use with an elevator), comprising: a rotor (30) having a brake lining (56 and 36) on one side of the rotor (left side as viewed in Fig. 3); and movable first and second brake plates (52, 54), wherein the first and second brake plates are independently actuatable (column 3, line 46 - column 4, line 20) into engagement with a respective one of two zones of the lining (see figure below; the Examiner submits that the two zones of the lining are annular and

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concentric), and wherein the first and second brake plates have generally semi-annular braking surfaces (the Examiner submits that each of the first and second brake plates 52, 54 has two semi-annular braking surfaces) that respectively oppose the two zones of the lining on the one side of the rotor (see figure below).



Regarding claim 2, see stationary housing 40 and column 3, lines 31-37.

Regarding claim 3, see rear brake lining 34 and column 3, lines 31-37.

Regarding claim 4, see first and second springs 60, 62 and independently actuatable first and second electromagnets 80, 82.

Regarding claim 5, see Figs. 1 and 2 and figure above.

Regarding claim 7, see Fig. 1 and portions 36 (four portions 36 are shown) that are not integral with one another, each portion 36 being disposed on a different one of the concentric annular zones (see figure above; the Examiner submits that top portion 36, as viewed in the figure above, is disposed on zone 1 and bottom portion 36, as viewed in the figure above, is disposed on zone 2).

Regarding claim 9, the claim is rejected for at least the same reasons as set forth above.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6675939 (Maurice et al.).

Regarding claim 1, Maurice et al. disclose an elevator brake, comprising: a rotor (52 and 60) having a brake lining (57) on one side of the rotor (left side of element 60 as viewed in Fig. 7); and movable first and second brake plates (71, 72), wherein the first and second brake plates are independently actuatable (column 14, lines 26-38) into engagement with a respective one of two zones of the lining (top and bottom halves of lining 57 as viewed in Fig. 7), and wherein the first and second brake plates have generally semi-annular braking surfaces (see Figs. 2 and 5A; the Examiner submits that elements 74, 76 form a generally semi-annular braking surface on each of the first and second brake plates 71, 72) that respectively oppose the two zones of the lining on the one side of the rotor (see Fig. 7).

Regarding claim 2, see stationary housing 30 and column 13, lines 48-63.

Regarding claim 3, see rear brake lining 58 and column 13, lines 48-63.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6675939 (Maurice et al.) in view of U.S. Patent No. 5057728 (Dammeyer et al.).

Maurice et al. is relied upon as set forth above.

Regarding claim 4, Maurice et al. further disclose in Fig. 7, first and second springs (92, 92) biasing the first and second brake plates, respectively, toward the rotor; and an independently actuatable first electromagnet (152) for overcoming the bias of the first and second springs, respectively, to hold the first and second brake plates away from the rotor.

Regarding claim 4, Maurice et al. do not disclose expressly an independently actuatable second electromagnet.

Dammeyer et al. teach a brake comprising independently actuatable first and second electromagnets (80, 82) for overcoming the bias of first and second springs (60, 62), respectively, to hold first and second brake plates (52, 54) away from a rotor (30).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the brake as taught by Maurice et al. to include an

independently actuatable second electromagnet as taught by Dammeyer et al. The motivation for doing so would have been to provide each brake plate with its own electromagnet to allow each brake plate to be released independently of the other, thereby allowing for more versatile and robust control of the brake.

### ***Response to Arguments***

Applicant's arguments filed 02/14/2008 have been fully considered but they are not persuasive.

Applicant argues that the rings 52, 54 in Dammeyer that the Examiner analogizes to the first and second brake members recited in claims 1 and 9 do not engage different zones of a lining of the rotor 30. Instead, Applicant asserts that the rings 52, 54 engage one side of a common pressure plate 56, the other side of which includes brake pads (linings) 36 that engage the rotor 30. Applicant further argues that as the brake pads (linings) 36 engage the same annular portion of the common pressure plate 56, there are no portions of the brake pads (linings) 36 that are distinctly opposed by each of the rings 52, 54, as recited in claims 1 and 9.

In response, the Examiner would like to take the opportunity to clarify that the Examiner interprets both pressure plate 56 and brake pads 36 *taken together*, as a lining on one side of the rotor 30, as claimed. The Examiner submits that the claims do not preclude such an interpretation. Thus, it is clear that rings 52, 54 engage (and oppose) different zones of at least pressure plate 56 (and thus the lining), as seen in Fig. 7 and the figure in the rejection above. The Examiner submits that ring 52 engages



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(and opposes) an inner annular zone (zone 1 in the figure above), and ring 54 engages (and opposes) an outer annular zone (zone 2 in the figure above) of pressure plate 56.

It appears that Applicant's arguments are directed toward a narrow interpretation of the lining of the rotor. However, the claims do not require such a narrow interpretation. In making the broadest reasonable interpretation of the claims, the Examiner submits that Dammeyer still meets all the limitations of the claims, as broadly recited.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VU Q. NGUYEN whose telephone number is (571)272-7921. The examiner can normally be reached on Monday through Friday, 11:30 AM to 8:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. Q. N./  
Examiner, Art Unit 3683

/Robert A. Siconolfi/  
Supervisory Patent Examiner, Art  
Unit 3683